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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

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Technology Center 2100

Application Number: 09/587,302
Filing Date: June 05, 2000
Appellant(s): TRAN ET AL.

James M. Stover (Reg. No. 32,759)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/8/07 appealing from the Office action mailed October 4, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,802,367	Held et al.	9-1998
5,748,896	Daly et al.	5-1998
5,613,148	Bezinver et al.	3-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- Claims 1-3,5,7,9-11,20,23,26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,802,367 to Held et al. in view of U.S. Pat. No. 5,748,896 to Daly et al.
- Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Held in view of Daly, and further in view of U.S. Pat. No. 5,613,148 to Bezinver et al.
- Claims 13-16,19,21 and 28-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bezviner in view of Daly.

(10) Response to Argument

Appellant argues in substance that (1) the rejection of March 8, 2006 and the Final Office Action of October 4, 2006 are mere repetition of prior Office Actions, and the prior Office Actions were supposed to have been withdrawn as a result of the decision of the Pre-Appeal Brief Review of January 4, 2006 and (2) regarding claims 1,13 and 21, the Daly prior art does not teach "causing a service to be invoked in a plurality (each) of nodes/starting selected software components in the plurality (each) of nodes".

As to point (1), one of the main reasons for withdrawing the Office Action after the Pre-Brief Conference request was to due Appellant's argument on page 3 of the Pre-Brief Conference request. Appellant had correctly argued that the Examiner in rejecting claim 1 had indicated that the Held prior art is silent with respect to a particular limitation but later in claim 13 had indicated that the same Held prior art teaches the same limitation, thereby contradicting the rejections. To address Appellant's concern the Examiner withdrew the rejection with the view of better explaining how the prior arts covers the claimed invention, hence the Office Actions of March 8, 2006 and October 4, 2006.

As to point (2), contrary to Appellant's argument the Daly prior art does teach "causing a service to be invoked in a plurality (each) of nodes/starting selected software components in the plurality (each) of nodes". The invention of the Daly prior art relates to a process for managing network services on a plurality of network servers (Col. 4 Ln.

11 – 13). The managing of the network services includes executing a service object that in turn communicates with **a plurality of network servers to obtain network service instantiation data relating instantiations of the one of the network services on the plurality of networks servers** (Col. 4 Ln. 20 – 29). Figures 3 and 5 explains this network service instantiation by providing a server manager window that shows the **instantiation of plural E-mail services and plural file services on a plurality of running servers (servers AB, CD and EF).** The fact that these services, servers and their related software components are instantiated and running implies that they were invoked and started, therefore allowing for the invocation of services and subsequently starting of software components in a plurality (each) of the nodes.

Also of note is that on page 6 lines 12 – 13 of Appellant's Appeal Brief he indicates that claim 13 and its dependents is been rejected under 35 U.S.C 103(a) as being unpatentable over Bezviner et al. in view of Daly et al., however, on page 8 line 1 Appellant contrarily suggests that claim 13 and its dependents are rejected under 35 U.S.C 103(a) as being unpatentable over Bezviner et al. in view of Held. Claim 13 and its dependents are rejected under 35 U.S.C 103(a) as being unpatentable over Bezviner et al. in view of Daly as the Final Office Action of October 4, 2006 indicates.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Text of the Final Rejection

Text of the final rejection is reproduced for convenience.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3,5,7,9-11,20,23,26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,802,367 to Held et al. in view of U.S. Pat. No. 5,748,896 to Daly et al.

3. As to claim 1, Held teaches a method of controlling software components in a processing system having plural nodes (figures 3/6), comprising: receiving a request to start the processing system ("...activation request..." Col. 10 Ln. 34 - 39, Col. 12 Ln. 1 - 7); launching a start routine in a first one of the nodes in response to the request "...startobjectserver..." Col. 13 Ln. 33 - 42); the start routine causing one or more services to be invoked a particular one of the nodes (Step 713 Col. 13 Ln. 36 - 42); determining one or more selected software components to start in each of the nodes (figure 3 Col. 6 Ln. 53 - 61, figure 6 Col. 10 Ln. 51 - 67, Col. 12 Ln. 1 - 7); and the

services starting the selected software components in a particular one of the nodes of the processing system (Col. 11 Ln. 1 - 17, Col. 12 Ln. 7 - 20).

Held is however silent with reference to causing a service to be invoked in plurality of nodes/starting selected software components in plurality of nodes.

Daly teaches causing a service to be invoked in plurality of nodes/starting selected software components in plurality of nodes (figure 5A Col. 7 Ln. 8 –45, Col. 8 Ln. 41 – 67, Col. 9 Ln. 66 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Daly and Held because the teaching of Daly would improve the system of Held by providing a single entry point through which administration of all network services on the network is initiated (Daly Col. 7 Ln. 23 - 27).

4. As to claim 2, Held teaches the method of claim 1, wherein causing the services to be invoked comprises causing WINDOWS services ("...window system..." Col. 6 Ln. 40 - 42).

5. As to claim 3, Held teaches the method of claim 2, further comprising invoking the services with a WINDOWS service control manager module ("...window system..." Col. 6 Ln. 40 - 42).

6. As to claim 5, Held teaches the method of claim 1, wherein starting the selected software components comprises starting software components defined as WINDOWS services ("...window system..." Col. 6 Ln. 40 - 42).

7. As to claim 7, Held teaches the method of claim 1, further comprising running an instance of a manager module in each node, the instance of the manager module in each of the nodes responsive to the start routine to invoke the services (Client Service Control Manager 707 Col. 12 Ln. 1 - 5, Server Service Control Manager 716 Col. 13 Ln. 33- 42).

8. As to claim 9, Held teaches the method of claim 1, wherein the first one of the nodes is a master node, wherein launching the start routine is performed in the master node (Col. 13 Ln. 33 - 42).

9. As to claim 10, Daly teaches the method of claim 7, further comprising the start routine communicating requests to manager module instances in each of nodes to start corresponding services (Server Manager Component 104 Col. 7 Ln. 17 - 27).

10. As to claim 11, Daly teaches the method of claim 1, wherein causing the services to be invoked comprises causing one service to be invoked for each software component (Col. 7 Ln. 17 - 27).

11. As to claim 20, Held teaches a database system comprising: a plurality of nodes (figure 6); database software components executable in corresponding nodes (figures 6/7 Col. 10 Ln. 15 - 67); and a manager module in each of the plurality of nodes executable to control the database software components in the plurality of nodes (Client Service Control manger 602, Server Service Control Manager 606, Client Service Manager 707, Server Service Control Manager 716 Col. 10 Ln. 15 - 67, Col. 11 Ln. 43 - 67, Col. 12 Ln. 1 - 40).

Held does not explicitly teach enabling a monitoring module to monitor statuses of the database software components in the nodes.

Daly teaches enabling a monitoring module to monitor statuses of the database software components in the plurality of nodes (Col. 7 Ln. 8 - 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Daly and Held because the teaching of Daly would improve the system of Held by providing a single entry point through which a network administrators can browse and select the services they wish to administer on the network as well as monitor these individual network services and server from a common point (Daly Col. 7 Ln. 32 - 36).

12. As to claim 23, Daly teaches the method of claim 1, wherein the processing system comprises a parallel database system, and wherein the selected software components comprises starting database software components (figure 5A Col. Ln. 8 - 12).

13. As to claim 26, Daly teaches the method of claim 1, wherein each of the services monitors a status of a corresponding one of the selected software components. (Col. 7 Ln. 8 - 16).

14. As to claim 27, Daly teaches the method of claim 1, wherein each of the services monitors for termination of a corresponding one of the selected software component (Col. 7 Ln. 8 - 16).

15. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,802,367 to Held et al. in view of U.S. Pat. No. 5,748,896 to Daly et al. as applied to claim 23 above, and further in view of U.S. Pat. No. 5,613,148 to Bezviner et al.

16. As to claim 24, Held and Daly are silent with reference to the method of claim 23, wherein starting the database software components comprises starting a query coordinator in each of the nodes to process database queries.

Bezviner teaches the method of claim 23, wherein starting the database software components comprises starting a query coordinator in each of the nodes to process database queries (Step 510 "...SOMD ObjMgr..." Col. 8 Ln. 41 - 52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bezviner, Daly and Held because the

teaching of Bezviner would improve the system of Held and Daly by managing communications to a server process that provide access to database or printer resources (Bezviner Col. 6 Ln. 59 - 61, Col. 8 Ln 41 - 42).

17. As to claim 25, Bezviner teaches the method of claim 24, wherein starting the database software components comprises starting a data server in each node to control access of data in storage in the parallel database system (Col. 8 Ln. 41 - 52).

18. Claims 13-16,19,21 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,613,148 to Bezviner et al. in view of U.S. Pat. No. 5,748,896 to Daly et al.

19. As to claim 13, Bezviner teaches a database system comprising (figures 58/6 Col. 7 Ln. 39 - 64, Col. 8 Ln. 31 - 67): a plurality of nodes figures (figures 4/5B/5C/5D)', software components executable in the plurality of nodes ("...client process...", "...SOMDServer proxy...", "...target object..." Col. 7 Ln. 39 - 64, "...client process...", "...SOMD ObjMgr object...", "...target object..." Col. 8 Ln. 31 - 67) and the software components comprising a query coordinator in each of the plurality of nodes to process database queries (figure 6 (Step 520) Col. 8 Ln. 47 - 54).

Bezviner does not explicitly teach a manager module executable in the database system to invoke services in the plurality of nodes to control starting of the software

components and a start procedure executable in a first one of the nodes to invoke the services in respective nodes through the manager module.

Daly teaches a manager module executable in the database system to invoke services in the plurality of nodes to control starting of the software components (figure 5A (Server Manager Component 104) Col.8 Ln. 41 – 67, Col. 9 Ln. 66 – 67) and a start procedure executable in a first one of the nodes to invoke the services in the plurality of nodes through the manager module ("...creates..." Col. 8 Ln. 41 – 67, Col. 9 Ln. 66 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Daly and Bezviner because the teaching of Daly would improve the system of Bezviner by providing a single entry point through which administration of all network services on the network is initiated (Daly Col. 7 Ln. 23 - 27).

20. As to claim 14, Daly teaches the database system of claim 13, wherein the manager module comprises plural instances executable on the plurality of nodes (figure 5A Col. 7 Ln. 8 – 16).

21. As to claim 15, Daly teaches the database system of claim 13, wherein the manager module comprises a WINDOWS service control manager (Server Manger Component 104 "...Windows..." Col. 8 Ln. 1 – 7).

22. As to claim 16, Daly teaches the database system of claim 13, wherein the services comprise WINDOWS services ("...Windows..." Col. 8 Ln. 1 – 7).

23. As to claim 19, Daly teaches the database system of claim 13, wherein the start procedure comprises a start service and a program invocable by the start service ("...creates..." Col. 8 Ln. 41 – 67, Col. 9 Ln. 66 – 67).

24. As to claim 21, Bezviner teaches an article comprising one or more machine-readable storage media containing instructions that when executed cause a database system having plural nodes figures 4/5B/5C/5D) to: receive a command to start database software components in the plural nodes ("...activated..." Col. 49 - 59).

Bezviner does not explicitly teach launching a start routine in a first one of the plural nodes in response to the command; issue requests, from the start routine, to respective nodes; and in response to the requests, invoke services in the plural nodes to start database software components.

Daly teaches launching a start routine in a first one of the plural nodes in response to the command/issue requests, from the start routine, to respective nodes; and in response to the requests, invoke services in the plural nodes to start database software components ("...creates..." Col. 8 Ln. 41 – 67, Col. 9 Ln. 66 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Daly and Bezviner because the teaching of Daly would improve the system of Bezviner by providing a single entry point

through which administration of all network services on the network is initiated (Daly Col. 7 Ln. 23 - 27).

25. As to claim 28, Bezviner teaches the database system of claim 13, further comprising a storage, wherein the software components further comprise a data sewer in each of the plurality of nodes to control access to data in the storage (figure 6 Col. 8 Ln. 31 - 52).

26. As to claim 29, Bezviner and Held are silent with reference to the database system of claim 13, wherein each of the services is adapted to monitor for termination of a corresponding query coordinator, however it is inherent that once activated a thread or process would terminate at the end its execution.

27. As to claim 30, Daly teaches the database system of claim 13, wherein the start procedure is adapted to be invoked in response to a request to start a database application ("...creates..." Col. 8 Ln. 41 – 67, Col. 9 Ln. 66 – 67).

28. As to claim 31, see the rejection of claims 28 and 30 above.

29. As to claim 32, see the rejection of claim 29 above.

30. As to claims 33 and 35, see the rejection of claim 21 above.

31. As to claim 34, see the rejection of claims 21 and 28 above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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